

## REMARKS

The Applicant appreciates the Office's withdrawal of the previous rejections premised on Grady.

Claims 2, 6-8 have been cancelled without prejudice. The features of dependent Claim 2 have been incorporated into independent Claim 1. Claims 1, 3-5, 9-14 are pending with the entry of this amendment.

## CITED ART

Noel-Levitz discloses a system to direct valuable resources away from candidates less likely to enroll and toward candidates more likely to enroll. Noel-Levitz is a passive predictive model, as opposed to a decision-making tool, which evaluates the desirability of an individual candidate and their level of interest in order to identify which candidates are likely to enroll. Noel-Levitz is not directed to generating or evaluating a candidate's contribution to gender or ethnic representation, nor does it discuss pursuit of candidates desired by the institution. In fact, Noel-Levitz is interested only in seeking out those likely to apply and teaches against seeking applicants on any other basis as a waste of resources. Applicant submits that the Office has improperly attributed teachings to Noel-Levitz that are not in evidence and the Office has improperly ignored explicit claim limitations.

## CLAIM REJECTIONS

### **Anticipation**

The Office improperly rejected Claims 1, 3-5, 9 and 11-12 as being anticipated by Noel-Levitz.

Claim 1 recites

A method for profiling an inquiry pool of candidates interested in attending an identified institution of higher learning preliminarily to providing candidates from the pool with an application for enrollment, the method comprising the steps of:

(a) providing a data base including information related to candidates for enrollment at an identified institution and the preferences of the identified institution for students with predetermined characteristics;

(b) electronically evaluating the candidates in the data base against a first predetermined profile including:

(i) information as to the candidate's high school class year, a prior visit of the candidate to the institution, and ~~the~~ a source of the information about the candidate's initial contact with the institution in the data base, and

(ii) the preferences of the institution,

to thereby select candidates for further contact; and

(c) providing a report of the electronic evaluation

wherein the first predetermined profile includes the gender and ethnicity of each candidate; and

wherein the report of the electronic evaluation includes an evaluation of the degree of gender and ethnicity representation of the candidates in the data base.

While Noel-Levitz discloses minority candidates in the database, nowhere in Noel-Levitz is a disclosure for evaluating the degree of gender and ethnicity representation of candidates.

This is not surprising since Noel-Levitz is only a passive predictive model and provides no insight into pursuing students based on their benefit to the institution. Therefore, Noel-Levitz cannot anticipate Claim 1 and Claims 3-5, which depend there from, irrespective of the additional patentable features recited therein.

Claim 9 recites:

A method for evaluating the continued interest of candidates in attending an identified institution of higher learning preliminarily to providing the candidates with an application for enrollment, the method comprising the steps of:

- (a) providing a data base including information related to candidates for enrollment at an identified institution and the preferences of the institution for students with predetermined characteristics;
- (b) electronically evaluating the candidates in the data base against a first predetermined profile including:
  - (i) information relating to the candidate's high school class year, a prior visit of the candidate to the institution, and a source of the information about the candidate's initial contact with the institution in the data base, and
  - (ii) the preferences of the institution, to thereby select candidates for further contact;
- (c) electronically requesting predetermined information from the selected candidates;
- (d) entering the electronic responses to the electronic request for information into the data base;
- (e) electronically reevaluating the selected candidates in the data base against a second predetermined profile to thereby evaluate the interest of the selected candidates in attending the institution; and
- (f) providing a report of the electronic reevaluation.

Claim 9 requires an electronic reevaluation against a second profile. Noel-Levitz does not disclose a second predetermined profile, much less evaluating selected candidates based on

the second profile. The Office has tacitly acknowledged as much, since its characterization of Noel-Levitz fails to even address the evaluation based on the second predetermined profile. Therefore Noel-Levitz cannot anticipate Claim 9 or Claims 11 and 12 which depend there from irrespective additional patentable features recited therein.

Clearly, the anticipation rejections of Claims 1, 3-5, 9, 11 and 12 are improper and must be withdrawn.

### **Obviousness**

The Office improperly rejected Claims 10, 13 and 14 as being Obvious over Noel-Levitz

As discussed above, Noel-Levitz does not show, teach or suggest a second predetermined profile, evaluating selected candidates against the second profile nor has the Office even addressed the claimed features. Claims 10, 13 and 14 contain such a feature. Absent this teaching, Claims 10, 13 and 14 cannot be rendered Obvious by Noel-Levitz. The obviousness rejection must be withdrawn.

### CONCLUSION

Noel-Levitz does not show, teach or suggest an evaluation of the degree of gender and ethnicity representation in the database. Noel-Levitz does not show, teach or suggest an evaluation of selected candidates against a second predetermined profile. Therefore, Noel-Levitz cannot anticipate nor can it render obvious Claims 1, 3-5, 9-14. In view of the above arguments, the Applicant requests the withdrawal of the rejection of Claims 1, 3-5, 9-14 and that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



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